

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

DAVID LEE DANIELS

PLAINTIFF

v.

Civil No. 06-5072

SHERIFF KEITH FERGUSON;
CORPORAL JESSEN; CORPORAL
McALESTER; and OFFICER LEE

DEFENDANTS

O R D E R

Defendants have filed a motion for summary judgment (Doc. 24). To assist plaintiff in responding to the summary judgment motion, the undersigned is propounding a questionnaire. The court will consider plaintiff's response to the questionnaire in issuing a report and recommendation on the summary judgment motion.

For this reason, David Lee Daniels is hereby directed to complete, sign, and return the attached response to defendants' summary judgment motion on or before **July 26, 2007**.
Plaintiff's failure to respond within the required period of time may subject this matter to dismissal for failure to comply with a court order.

IT IS SO ORDERED this 25th day of June 2007.

/s/ J. Marszewski

HON. JAMES R. MARSZEWSKI
UNITED STATES MAGISTRATE JUDGE

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SHERIFF KEITH FERGUSON;
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McALESTER; and OFFICER LEE

DEFENDANTS

RESPONSE TO SUMMARY JUDGMENT MOTION

TO: DAVID LEE DANIELS

These questions and answers will serve as your response to defendants' motion for summary judgment. You may use additional sheets of paper in responding to these questions. You must file this response by **July 26, 2007**.

1. You were booked into the Benton County Detention Center (BCDC) on December 28, 2005, on charges of rape and sexual assault.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 1 at pages 1-2.

2. When you were booked in, a medical questionnaire was completed. You indicated

you had asthma and that your right shoulder was hurt.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 1.

3. When you were booked in, your personal property was taken from you and a list of the property completed.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 1 at page 3.

4. Your personal property included white shoes, an orange jacket, a black hat, an orange t-shirt, a white t-shirt, blue pants, miscellaneous papers, a notebook and \$8.05.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 1 at page 3.

5. On December 28, 2005, you submitted a medical request for an inhaler and medication for staph infection, high blood pressure, and Trichomonas.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 2.

6. You were seen by Dr. Mullins on December 29, 2005.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 3.

7. Dr. Mullins asked you where you had staph infection. You pointed to some spots

on your arms and said you had it in your groin.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 3.

8. Dr. Mullins checked your arms and noted you had no sores. He also checked your groin and noted no infection was present.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 3.

9. Dr. Mullins noted you may have had staph infection in the past as you had been treated by Dr. Huskins for it.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 3.

10. When Dr. Mullins was done examining you, you then told him you had Trichomonas.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 3.

11. You stated you had been given a prescription for Trichomonas but had not filled it.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 3.

12. After Dr. Mullins stated he would take care of that, you told him you had asthma.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 3.

13. Dr. Mullins checked your lungs and found your lungs to be clear with no rales, no rhonchi, and no spasms.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 3.

14. Dr. Mullins told you that if you got short of breath to come in and they would listen to your lungs. If you had some spasms, Dr. Mullins stated they would treat you but for the time being he was not going to give you any medication for asthma.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 3.

15. You told Dr. Mullins you also had a high blood pressure problem. Dr. Mullins noted your blood pressure was 100/70 which was low for an adult.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 3.

16. Dr. Mullins prescribed Metronidazole or Flagyl 500 mg., three times a day, for five days.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 3.

17. You received the prescribed medication.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 3.

18. On December 30, 2005, at 7:10 a.m., Deputy Lee was distributing medication and called for Jeremiah Davis to report for his medication.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 2.

19. You went to the counter and Lee gave you three Ibuprofen. You told Lee you did not take Ibuprofen.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 2.

20. Lee checked the medication sheet and took the Ibuprofen back from you and returned it to the bottle. He then gave you your prescribed medication.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 2.

21. At approximately 8:00 a.m., Deputy Free looked into D-149 and saw you falling down the stairs. You were mid-way down the stairs and started to fall forward hitting your knees on the stairs. You grabbed the railing before falling to the floor.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 3.

22. At 8:00 a.m., Corporal Jessen was informed by Deputy Free that an inmate in D-149 had fallen on the stairs. Jessen entered D-149 and found you lying on the floor on your right side.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 1.

23. You told Jessen that you had been given the wrong medication. You indicated you had received Ibuprofen instead of your medication and were allergic to it.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 1.

24. If you were given the wrong medication, please explain: (a) why you did not know it was the wrong medication by its appearance; (b) how you knew the medication was Ibuprofen; and (c) why you did not indicate on your medical questionnaire or when you visited Dr. Mullins that you were allergic to Ibuprofen.

Answer:

25. Jessen contacted Nurse Sue McDonald about the situation. McDonald wanted Jessen to find out what medication you had received.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 1.

26. Jessen had Lee come to D-pod. Lee advised Jessen that you had been given the medications prescribed to you.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 1.

27. Jessen checked on you again and you told him your hip was broken.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 1.

28. You told Jessen you could not walk. Jessen notified McDonald. McDonald told

Jessen to have you placed in a cell where you could be observed.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 1.

29. Deputy Lee, Deputy Gully, and Deputy McLester helped you to cell 143 where you were placed on the bottom bunk.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at pages 1 & 4.

30. You were seen by Dr. Mullins on January 5, 2006. You reported falling down the stairs and hurting your right leg. Dr. Mullins started to raise your right leg and it was quite high and you quit. Dr. Mullins believed you were being uncooperative. When Dr. Mullins started to raise your left leg, Dr. Mullins believed you would not let it move.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 4.

31. Dr. Mullins noted your left leg was supposed to be your good leg and that you had hopped all the way out of the office on it. Dr. Mullins noted that it didn't make sense that you could hop on the left leg but wouldn't let Dr. Mullins examine it.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining please refer to Defendants' Exhibit 2 at page 4.

32. Your blood pressure was checked and it was 120/60. You got mad and said you wanted a blood pressure machine.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 4.

33. You demanded to know Dr. Mullins' name so you could do something to him. Dr. Mullins was not sure what. Dr. Mullins believed you were malingering.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 4.

34. Dr. Mullins concluded you had questionable pain in the right hip. He prescribed Ibuprofen, 600 m.g., twice a day, for five days.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 4.

35. On January 9, 2006, you submitted a grievance in which you stated you had been given Barry Hoyt's medication on December 30th. You indicated you became ill and started vomiting. When you left your cell to get help, you stated you fell down the stairs and became

unconscious. While unconscious, you indicated Jessen and McLester dragged you into a cell and left you for two days. Captain Petray responded that the incident had been investigated and did not happen the way you said.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 2.

36. On January 10, 2006, you submitted a grievance in which you stated on January 6th and 7th, Officer Catlin refused to allow another inmate to carry your tray for you. You indicated you could not carry your own tray. You state Officer Catlin took your tray away and you went hungry. Additionally, you indicated you still had not been taken for x-rays and were in pain. Captain Petray responded that the doctor makes the medical decisions at the jail.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 3.

37. On January 20, 2006, Deputy Vaughn reported that when he was passing out mail in D-149 there was a letter being returned to Inmate Brazzell. Brazzell said he had not sent the letter. The letter was to Andrea Sharp. A check was made of the mail log and the only inmate who had mailed letters to Sharp was you. Vaughn then opened the letter and found it had been signed by a person named David.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 7.

38. You were asked about the letter and denied writing it. However, you indicated Sharp was the mother of your baby. Vaughn informed you that you were going to be locked down for impersonating another person.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 7.

39. On January 21, 2006, you submitted a grievance stating that as soon as you were off lock-down you had been placed back on it. You indicated you wanted to appeal. Captain Petray stated that if you chose to appeal the Lt. would review it.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 4.

40. On January 25th, 26th, and 27th, you submitted grievances about needing to use the phone to speak to DHS, call the hospital, approve bank transactions, etc. In response, you were told that inmates on lock-down could only use the phone for legal and/or bondsman calls not personal calls.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at pages 5-7.

41. On January 26, 2006, you submitted a medical request. You stated you had a blood clot in your left leg.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 7.

42. On January 28, 2006, you asked to appeal your lock-down. You complained the rules were not being followed and you said the handbook should be given to inmates when they arrived at the detention center. In response, you were told you signed a copy of the rules when you were booked in.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 8.

43. You were seen by Dr. Mullins on January 30, 2006. He checked your left leg. Your left calf was swollen and you had a bruised ankle. You had apparently fallen. You had

blood that had "slithered down" to your ankle. Dr. Mullins diagnosed a contusion to your left leg and prescribed Ibuprofen, 600 m.g., three times a day, for fourteen days. Dr. Mullins did not believe you had a clot in any particular blood vessel.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 5.

44. You were seen by Dr. Mullins again on January 31st. He noted that your left leg was still swollen. However, he told you it was too soon for that to have gone down. He prescribed Lasix and KCL, three times a day for five days, and then twice a day for five days. He also indicated you could lay down for three days. Dr. Mullins indicated you should be seen by Dr. Howard in one week.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 6.

45. On February 1, 2006, Deputy Dapp reported that while picking up trays he observed that you were not locked down. You were escorted to your cell and told your mat and bed roll were going to be pulled. When the deputies entered your cell, they found an extra t-shirt and confiscated it.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 9.

46. On February 1st, Deputy Hammack also found a newspaper in your cell and locked you down for having the newspaper in your cell.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 8.

47. On February 8th you requested medical attention for your leg. You indicated it was puffing up and hurt. You stated the pain ran up and down your leg and back.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 8.

48(A). You were seen by Nurse McDonald on February 6, 2006. She noted that you refused all medications on previous days. Deputy Lee told McDonald that you wanted to be a trustee.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 44.

(B). Had you been refusing the medication prescribed by Dr. Mullins?

Answer: Yes _____ No _____.

If you answered yes, please explain why.

If you answered no, please state whether you had been receiving the medication prescribed by Dr. Mullins.

49. On February 8, 2006, your cell mate, Johnson, asked to change cells because you did not shower. Deputy Hammack entered your cell and Johnson moved his things. The cell was then shook down. Hammack found newspaper clippings in an envelop. You indicated the clippings were for evidence. You were told you could not have clippings and that you were being locked down.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 11.

50(A). You were seen by Dr. Howard on February 9th. He noted that you were walking well but that you complained that it hurt to sit down. He diagnosed you with a bruised right hip and swelling in your leg. You were prescribed Naproxen.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 44.

(B). You received the prescribed medication.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain.

51. On February 14, 2006, you submitted a medical request asking that your knee, back, and right butt cheek be examined.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 9.

52(A). You were seen by Dr. Mullins on February 16th. He indicated you requested an inhaler and medicine for your left hip. Dr. Mullins noted your straight leg raising test was negative. He noted you had some discomfort in your left hip but it did not appear serious. Examination of your lungs revealed very few small spasms. He concluded you had very mild asthma and some possible arthritis of the left hip. He prescribed an Albuterol Inhaler and Naproxen for three weeks.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 10.

(B). You received the prescribed medication.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain.

53. On February 22, 2006, during a shakedown two hard plastic cards fell out of your Bible. You denied knowing where the cards came from. You were put on lock-down for concealing items from jail staff.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 13.

54. You were given a disciplinary hearing and found guilty. You were given ten days lock-down and loss of privileges. You appealed. The decision was affirmed by Lt. Carter.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 14.

55. On February 27, 2006, you were seen using the pod phones in D-149. You were charged with unauthorized correspondence, attempted correspondence, or contact with the public.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 15.

56. A disciplinary hearing was held and you were found guilty and given lock-down for ten days with loss of privileges. You appealed the decision and Lt. Carter affirmed.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 16.

57. On February 27th you filed a grievance stating Officer Free called you “nigga” and someone put “nigger blood” on your cell door. You also said Officer Turner told you to get the “f— on the wall.” Captain Petray indicated he had investigated and the officers had not made these statements.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants’ Exhibit 4 at page 9.

58. On February 27th, you submitted a medical request because of your neck and back.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants’ Exhibit 2 at page 11.

59. On February 28th you again complained that someone had put "nigger blood" on your door. Captain Petray responded that he had talked to the deputies and no one knew who had done it.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 10.

60(A). On March 2, 2006, you requested medical treatment for your leg and were to see the doctor but you were in court when doctor call was done.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 45.

(B). On March 5, 2006, you submitted a grievance complaining that you were being locked down over and over for the smallest of things by the same officers. You stated the

officers were prejudiced and judged you because of your charges and your race. Captain Petray responded that you were being treated no differently than other inmates.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page

11.

(C). On March 5, 2006, you requested a book from the law library and were informed by Lt. Carter that you needed to contact your attorney for legal assistance.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain.

61. On March 7, 2006, you were seen by Dr. Mullins. You told Dr. Mullins you were having pain in your back. When he asked you where in your back, you indicate it was cervical (neck area) or thoracic (chest & rib area) or lumbosacral (lower back) area. You then pointed to the lumbosacral or slightly above it. You also indicated you had some pain in your legs. Dr. Mullins noted that you walked in and out of the office without any difficulties.

Your straight leg raising test was negative. You wouldn't answer Dr. Mullins when he asked how old you were.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 12.

62. Dr. Mullins concluded you had questionable back pain. He believed you were exaggerating your symptoms. He did not know if you were drug seeking or not but he did not believe your complaints matched the physical findings. Dr. Mullins did not believe you needed any treatment at that time. Dr. Mullins noted you had a bad attitude and were very negative.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 12.

63. On March 20th you submitted a grievance stating that your mail was being

tampered with. Lt. Carter responded that it was not.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 12.

64(A). On March 15th, you were put on lock-down by Cpl. Bryson for refusing to obey an order of a deputy. You had failed to follow an order to face the wall and not talk.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 17.

(B). You received a hearing and were found guilty. You were given ten days lock-down and loss of privileges. You appealed and Lt. Carter upheld the decision.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 20.

65. On March 15th you received a letter. Inside was a check for \$103 from the Law Offices of John R. VanWinkle. Corporal Tomlin told you he would return the check to the sender.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 18 & 19.

66(A). On March 16th you submitted a request to get your legal papers out of your property. You indicated they had been taken by mistake. In response, you were told that your papers would remain in your property and there was no reason you should need them.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 13.

(B). On March 19th, you submitted a grievance stating that probable cause paperwork and letters had been taken from your cell. Lt. Carter responded that no legal paperwork was removed from your cell.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 14.

(C). Describe in detail: (a) the legal materials you contend were removed from your cell; (b) what you needed the legal papers for (for example in connection with a criminal case or a civil case); (c) indicate whether you had an attorney representing you; and (d) state whether you missed any deadline for filing documents with a court or were unable to pursue a claim because the papers were removed from your cell. In answering, be very specific. State the date of the deadline, the document that was due, and the court the document was due in.

67. On March 22, 2006, you exited your cell with your t-shirt not tucked in. Deputy Paul had warned you on several different occasions not to leave your cell without tucking your shirt in. He locked you down when you left your cell this time with your shirt untucked.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page

21.

68. You were charged with exiting your cell without wearing your uniform in a correct manner. You were found guilty and given five days lock-down with loss of privileges. You appealed the decision. The decision was upheld by Lt. Carter.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 22.

69. On April 4, 2006, you submitted a medical request. You asked that your blood pressure be checked. You also indicated you were having pain in your shoulder and back and blood in your urine. You stated this was your 8th request for medication.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page

13.

70. On April 5th, Nurse McDonald took your blood pressure and noted it was 140/80. She noted that you were complaining of being dizzy.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 45.

71. Did you receive any treatment from Nurse McDonald?

Answer: Yes _____ No _____.

If you answered yes, please state what treatment you received.

72. On April 14th and April 16th you requested medical attention for back pain.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 14 & 15.

73. You were seen by Nurse McDonald on April 17th. She noted you sat on the examination table with one leg off the foot stool and one leg on. She noted you had no problems ambulating. She gave you 600 mg. of Ibuprofen for back pain.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 45.

74. On April 17th you asked to see the doctor because of high blood pressure and back pain. Nurse McDonald indicated you would be seen by the doctor on April 24th.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 16.

75. You were seen by Dr. Mullins on April 24th. He noted your blood pressure was 130/80 which was normal. You reported to Dr. Mullins that you had been having dizzy spells and blood in your urine. You had a few spasms in your lungs and Dr. Mullins noted you had asthma so he continued your inhaler. Because of your complaint of blood in your urine, Dr. Mullins ordered a urinalysis.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page

18.

76. On April 30th you submitted a grievance stating that Officers Adams hide your medication sheet to prevent you from being able to get your asthma inhaler. In response, Captain Petray indicated he would have the lieutenant talk to you.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 15.

77(A). You submitted a second grievance about Officer Adams hiding your med sheet that same day. Captain Petray responded that he had talked to Adams and this did not happen.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 16.

(B). Please state in detail: (a) the facts that lead you to believe that Adams deliberately hide your medication sheet; (b) when you first tried to get your inhaler from Adams; (c) when you were able to get your inhaler that day; (d) how long it took you to get your inhaler; (e) how you were able to get your inhaler; and (f) how you were harmed by Adams' actions.

78. On May 2nd, you submitted a grievance stating that you had not been getting all your mail and it was not being recorded in the computer. Captain Petray responded that all incoming and outgoing mail was logged in.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 17.

79(A). You were seen by Dr. Mullins on May 4th. You complained of left shoulder pain and a knot on your back. Dr. Mullins noted you had a full range of motion of your left shoulder. You had some normal tissue on your lower back but no nodules or any pathology. Dr. Mullins concluded you had questionable pain in the left shoulder. He prescribed Ibuprofen, 600 m.g., twice a day, for four days.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 19.

(B). You received the Ibuprofen.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain

80. On May 6th you requested medical attention for your shoulder. You indicated you wanted a different type of pain medication.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 20.

81. On May 7th, you requested medical treatment for back pain. You requested another medication or another solution. You also requested that your blood pressure be checked.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 21 & 22.

82. You were seen by Nurse McDonald on May 8th. She noted you wanted an increase in pain medication for your shoulder but that you did not seem to be having any problems using your shoulder. She noted you then asked for arch support in your shoes. Your request was denied. Nurse McDonald noted that Dr. Mullins had examined your shoulder and found no abnormalities. Nurse McDonald discontinued the Ibuprofen.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 45.

83. On May 9th, you submitted a medical request stating that you needed to see the doctor not the nurse. Nurse McDonald responded indicating that Dr. Mullins had received the record at 9:00 a.m. on May 9th and did not need to see Daniels.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 23.

84. On May 10th, you submitted a medical request. You stated it was your third request to see the doctor. You stated the nurse was refusing to let you see the doctor about your pain, blood pressure, and hypertension. Nurse McDonald responded that the Doctor had reviewed your record and stated that he already examined you and would not see you for the same complaints again. You were told you were abusing the medical system.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 24.

85. On May 14th you were locked down after being involved in an altercation with Inmate Ambriz.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at pages 23-25.

86. You were charged with fighting, found guilty, and given thirty days lock-down and loss of privileges. You appealed. The decision was upheld by Lt. Carter.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 26.

87. On May 16th it was discovered you had more envelopes and paper than was allowed and that you had covered your vents with paper. Further, items were found in your cell that were not allowed.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at pages 27-28.

88. You were found guilty of a disciplinary violation for concealing items from jail staff and of placing items on cell walls or fixtures. You were given ten days lock-down and loss of privileges for the first violation and five days lock-down and loss of privileges for the second violation. You appealed and the decisions were upheld.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at pages 30-31.

89(A). On May 16th, Deputy Bennett ordered you to get out of the shower because you had not been given permission to take a shower.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 29.

(B). You were given a disciplinary for disobeying the order of a deputy, found guilty, and given ten days lock-down with loss of privileges. You appealed and the decision was upheld.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 34.

90. On May 16th, you requested medical treatment. You stated you needed your medication and a snack bag lunch because you were anemic.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 25.

91. You were seen by Nurse McDonald on May 19th. You complained of your back, shoulder, and stomach. No problems were found on examination.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 46.

92. On May 17th, you were seen by Deputy Aberle with two food trays. When he asked you who gave you his tray, you refused to tell him.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 32.

93. You were given a disciplinary for stealing or being in possession of stolen property, found guilty, and given thirty days lock-down and loss of privileges. You appealed and the decision was upheld.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 33.

94. On May 20th during a shake down Deputy Vaughn found an extra t-shirt in your cell and a towel you were not supposed to have because you were on lock-down.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 35.

95. You were given a disciplinary for possession of unauthorized items, found guilty, and given ten days lock-down with loss of privileges. You appealed the decision and it was upheld.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 36.

96(A). On May 21st, you submitted a grievance stating your mail was being tampered with. In response, Captain Petray responded that no one was tampering with your mail.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 20.

(B). Please describe in detail: (a) the reasons you believe your mail was being tampered with; (b) indicate whether it was your legal or personal mail or both that was being tampered with; (c) provide any proof you have that your mail was tampered with; and (d) explain how you were able to mail multiple documents to the court if your mail was being tampered with.

97. On May 22nd, you submitted a medical request stating you were bleeding from your backside.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 26.

98. You were seen by Dr. Mullins on May 23rd. You requested special shoes. You told Dr. Mullins you came into the detention center with special shoes that had a lift in them. Dr. Mullins noted that you had been in the BCDC since December and this was the first time

you had mentioned special shoes. Dr. Mullins indicated he would write your doctor, Dr. Huskins, and ask why he recommended special shoes.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 27.

99. You then told Dr. Mullins you were bleeding from your buttocks. Examination revealed no sores, abrasions or blood. Dr. Mullins could see nothing that would cause bleeding. There was no blood on your shorts. Dr. Mullins believed you were exaggerating your symptoms.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 27.

100. On March 23rd, Nurse McDonald requested your records from Dr. Huskins regarding the orthopedic shoes.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 28.

101. On May 24th, you submitted a grievance asking to be allowed to shower every day. You stated you were breaking out from the heat as well as the metal you sat on. You indicated your cell needed cleaning and the dust was affecting your asthma. You also stated that you had sores on your butt from the filth. In response, you were told if you had a medical problem to fill out a medical request.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 21.

102. On May 25th, you submitted a medical request complaining that the poor ventilation and dust mites were aggravating your lungs.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 31.

103. On May 26th, you submitted a medical request complaining there was blood coming out of your penis. You said you had been urinating blood since the night before. You indicated you had showed Cpl. Powell. You stated it hurt to urinate. You indicated this was the third time you had told the nurse and she only advised you to drink more water. You indicated you needed medication, a kidney treatment, or an x-ray.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 32.

104(A). Nurse McDonald talked to Powell that day. Powell said he didn't see any blood in your urine but did see some specks on your shorts but not red blood. Nurse McDonald indicated you would be seen by Dr. Mullins on his return. She ordered a urinalysis and you were prescribed Cipro, an antibiotic.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 46.

(B). Did you receive the prescribed medication?

Answer: Yes _____ No _____.

105. On May 27th, you submitted a medical request stating you had staph infection, needed an inhaler for asthma, needed penicillin for V-D, your orthopedic shoes for support, and some fillings fell out of your teeth.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 33.

106. On May 30th, you submitted a grievance stating you had requested medical attention for staph infection, medication for your asthma and high blood pressure, and because a filling had fallen out of your tooth ½ month ago. You also stated that you needed

to shower every day to stop the itching. You indicated you had been complaining for months and something needed to be done.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 22.

107. In response, Captain Petray indicated he would forward your grievance to medical. Petray indicated the doctor made all medical decisions in the jail.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 22.

108. On May 30th, you submitted a medical request stating that blood had been coming out of your penis and you still had not been given the results of your test. You also indicated you had not received your asthma medication so you had to use your inhaler all the time.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 34.

109. You were seen by Dr. Mullins on May 30th. He noted you had been seen nine times since December. He asked if you went to the doctor that much on an outpatient basis and you told him yes that you went every month. Dr. Mullins indicated he would write your doctor, Dr. Huskins, to see how often you had seen him.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 35.

110. You told Dr. Mullins that you had been bleeding from your penis. Dr. Mullins checked your penis and noted no bleeding or discharge. You then asked for a midnight snack. Your request was refused. You then told Dr. Mullins you had a staph infection in your right leg. Dr. Mullins examined your leg and concluded there was no infection, no

scratch, no irritation, no redness, no erythema, and no induration.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 35.

111. Dr. Mullins believed you were a hypochondriac and might be seeking drugs.

After he had checked all your complaints, you then told him you needed something for your back. Dr. Mullins checked your back and your straight leg raising test was negative.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 35.

112. Dr. Mullins gave you Benadryl for five nights. When Dr. Mullins was signing your record, you told him you had a filling fall out. Dr. Mullins checked your right upper teeth. He noted there wasn't an area big enough to have a filling. However, he did see some darkened area on the side of about three molars. Dr. Mullins indicated they would observe

that.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 36.

113(A). On June 1st, Corporal Reams ordered you to tuck your t-shirt in. You did not obey and ignored an order to keep your free hand behind your back. Reams grabbed your left arm to stop you and you pulled away from him. You were placed against the wall, handcuffed, and escorted to your cell. Deputy Hernandez assisted Reams in handcuffing you and escorting you to your cell. Your paperwork was taken from you and placed in your cell.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at pages 37-38.

(B). Reams did not use excessive physical force against you.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please describe: (a) the physical force he used; (b) whether you were resisting in anyway; (c) any injuries you suffered as a result of his use of force; (d) whether you sought, or received, medical treatment as a result of the injuries; and (e) how long it took you to recover from the injuries.

(C). Hernandez did not use excessive physical force against you.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please describe: (a) the physical force he used; (b) whether you were resisting in anyway; (c) any injuries you suffered as a result of his use of force; (d) whether you sought, or received, medical treatment as a result of the injuries; and (e) how long it took you to recover from the injuries.

114. You submitted a grievance that day complaining that Reams and Hernandez had shoved you against the wall and took your paperwork from you. Captain Petray responded that you were not beaten up.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 24.

115. On June 6th Deputy Arhangelsky found a sandwich and an envelope with cereal in it in your cell. You were told you would be locked down for concealing food.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 39.

116. You were given a disciplinary for storing food, found guilty, and given five days

lock-down and loss of privileges. You appealed and the decision was upheld.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 40.

117. On June 7th, you submitted a medical request asking for a mid-night snack.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 37.

118. In response, Nurse McDonald wrote that you had been put on medicine and the problem should be cleared up. She stated you did not need a mid-night snack.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 37.

119. On June 10th, you submitted a grievance. You stated that your back was getting worse from sitting on metal. You indicated it was very painful and you needed support. You also indicated you still had not gotten your allergy medication, Singular, your asthma medication, your high blood pressure medication, and had not had an x-ray. You also indicated you had not been given the results of your urine test. In response, Captain Petray stated the doctor made the medical decisions at the jail.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page

27.

120. On June 12th, you submitted a grievance about the phone. You were informed you were on lock-down status and could not make personal phone calls.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page

28.

121. On June 15th, you submitted a medical request. You stated your back was out. You indicated Captain Petray had said it was up to the doctor whether you could have a mat or not.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 38.

122. On June 18th during a shake down, Deputy Clark found a bedroll stored under your bunk. He told you that you were being locked down for concealing items from jail staff.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 41.

123. You were given a disciplinary, found guilty, and given ten days lock-down and loss of privileges. You appealed and the decision was upheld.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 42.

124. On June 19th, you submitted a medical request stating that your penis was still hurting.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 39.

125. You were seen by Dr. Mullins on June 20th. A urinalysis was taken and a prescription given to you for Cipro an antibiotic.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at pages

40 & 47.

126. On June 27th, you submitted a medical request stating you needed to see the doctor about your back.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 41.

127(A). On June 28th, you submitted a grievance complaining that Officer Foster and Officer Tomlin were harassing you and were prejudiced against you.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 30.

(B). Please explain in detail: (a) how you believe you were being discriminated against; (b) the reason you believe you were being discriminated against; (c) who you believe was discriminating against you; and (d) identify other inmates who were treated differently.

128. You were seen by Dr. Mullins on July 6th. You told him you needed your shoes. You showed Dr. Mullins an MRI that was done in 2003 that showed some minor disc

disease in your lower back. You did not know what medical treatment you received for the disc disease.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 42.

129. Dr. Mullins told you that you did not need shoes because you were not running around the jail much, doing much walking, or leaping, or climbing. Dr. Mullins again asked you to explain what the doctors had done for you in 2003. When you could not do that, you just said: "that's alright doctor" and walked out of the exam room.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 42.

130. Dr. Mullins did not believe your back was "killing" you. He did not believe any treatment was needed and you refused to finish the consultation with Dr. Mullins.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 42.

131. On July 10th, you returned from court and had some legal paperwork with you. Sgt. Nance told you to put your hands behind your back and that you could hold the paperwork behind your back. You did not obey his order. You were informed you were being locked down for refusing to obey.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 43.

132. You were given a disciplinary, found guilty, and given ten days lock-down with loss of privileges. You appealed and the decision was affirmed.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page

46.

133. On July 10th, Deputy Larkin shook down your cell. He found a pink pencil top eraser. He asked where you got it and you replied that you did not know. You told Larkin he could read your paperwork. Larkin told you the paperwork was no concern of his. You told Larkin you were going to add him to the lawsuit. Larking told you that you were going to be locked down for concealing items from jail staff.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at pages 44-45.

134. You were charged with a disciplinary, found guilty, and given ten days lock-down with loss of privileges. You appealed and the decision was affirmed.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 47.

135. On July 23rd, you submitted a grievance asking to be moved out of the pod because of racial tension. You stated that twenty-three hour lock-down was out of the question. You also indicated you were there for theft of property—not rape and the rape charge needed to be taken out of the computer. Captain Petray responded that you would remain where you were at.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page

31.

136(A). On July 26th, you submitted a grievance stating that Corporal Tomlin refused to give you your inhaler at 6:20 a.m. You said he was a racist. You indicated he was also tampering with your mail. Captain Petray responded that this did not occur and no one was tampering with your mail.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page

32.

(B). Please state: (a) whether you were given access to your inhaler on July 26th; (b) whether you had access to your inhaler at specific times during the day or on an as needed basis; (c) what actions he took to refuse you access to your inhaler at 6:20 a.m. on July 26th; (d) why you believe these actions were racist; and (e) how you normally obtained access to your inhaler.

137. You received Benadryl from May 30th to June 3rd.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 52.

138. You received your Albuterol inhaler during your incarceration at the BCDC.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at pages 48-63.

139. You received Singular from 6/20 to 6/29, and from 7/5 to 8/13.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at pages 48, 58-60 & 63.

140. You received Ciprofloxacin from 4/26 to 5/6, from 5/26 to 6/5, and from 6/21 to 7/1.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 51, 56, and 61.

141. You received Benadryl from 5/30 to 6/3.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 52.

142. You received Naproxen from 4/25 to 5/8.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 54.

143. You received Ibuprofen from 5/4 to 5/7 and from 6/20 to 6/23.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 57 & 63.

144. Captain Petray was not personally involved in making any decisions regarding your medical care.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, be specific.

145. Do you contend a policy or custom of Benton County resulted in your being provided the wrong medication on December 30, 2005?

Answer: Yes _____ No _____.

If you answered yes, please describe in detail the policy or custom and how it resulted in your being provided the wrong medication.

146. Under section 1983, a defendant may be sued in his or her official capacity, in their individual capacity, or in both capacities. An individual capacity suit is one which seeks to impose personal liability on the named defendant. An official capacity suit is the equivalent of a suit against the governmental entity that employs the defendant. In official capacity cases, the plaintiff must show the existence of a custom, policy, or widespread practice that has resulted in the constitutional violation. Did you intend to sue the named defendants in their individual capacities, their official capacities, or in both capacities?

Answer:

147(A). Did you suffer any physical injury as a result of your receiving the wrong medication?

Answer: Yes _____ No _____.

If you answered yes, please describe: (a) the physical injury you suffered; (b) the symptoms you experienced; (c) the severity of those symptoms; (d) whether you sought, or received, medical care as a result of the physical injury; and (e) how long it took you to recover from the injury.

(B). December 30, 2005, was the only time you received the wrong medication.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, be specific.

148. Do you contend Officer Lee deliberately gave you another inmate's medication on December 30, 2005?

Answer: Yes _____ No _____.

If you answered yes, please explain in detail why you believe his actions were intentional.

149. Please explain in detail how you believe Sheriff Ferguson violated your federal constitutional rights with respect to your receiving the wrong medication on December 30, 2005. In doing so, please indicate whether Sheriff Ferguson was present when you received the wrong medication or whether you ever spoke to him directly about this incident.

150. Please explain in detail how you believe Corporal Jessen violated your federal constitutional rights with respect to your receiving the wrong medication on December 30, 2005.

151. Please explain in detail how you believe Corporal McAlester violated your federal constitutional rights with respect to your receiving the wrong medication on December 30, 2005.

Detail below any further response you would like to make to defendants' summary judgment motions. If you have any exhibits you would like the court to consider, you may attach them to this response.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS
TRUE AND CORRECT.

EXECUTED ON THIS _____ DAY OF _____ 2007.

DAVID LEE DANIELS